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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR09-00142 DLJ
)	
Plaintiff,)	STIPULATION AND ORDER FOR
)	CONTINUANCE AND EXCLUSION OF
v.)	TIME UNDER THE SPEEDY TRIAL
)	ACT, 18 U.S.C. § 3161 <u>ET SEQ.</u>
JAMES ROBINSON,)	
)	
Defendant.)	

Plaintiff United States of America, by and through its counsel of record, and defendant James Robinson, by and through his counsel of record, hereby stipulate as follows:

1. On November 30, 2009 in magistrate court, attorney Roger W. Patton was appointed to represent the defendant in the above-captioned matter. In addition, prosecution of this matter was very recently re-assigned to Assistant United States Attorney Deborah R. Douglas, who has not yet received the file from the previously-assigned prosecutor in San Francisco. This case is currently scheduled before this Court on Friday, December 11, 2009 at 9 a.m. However, Mr. Patton and AUSA Douglas have federal court appearances in the Eastern District of California at Sacramento in unrelated matters on December 11, 2009. Mr. Patton will need to return to Sacramento on Friday, January 29, 2010. Pursuant to this Court's prior order, defendant is currently on pre-trial release status.

STIPULATION AND ORDER
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1 2. The parties stipulate and request that the matter be continued from December 11,
2 2009 to February 5, 2010 on the grounds of continuity of counsel and effective preparation. The
3 requested continuance will permit both parties to obtain the respective defense and government files
4 and to become familiar with the facts, law, and procedural history in this case. In addition, a
5 continuance to Friday, February 5, 2010 will provide the defendant with an opportunity to review
6 the discovery, investigate the case, and perform the other tasks involved in effective preparation.

7 For the foregoing reasons, the parties stipulate and agree that the ends of justice served by
8 the continuance requested outweigh the best interests of the public and the defendant in a speedy
9 trial because the failure to grant such a continuance would unreasonably deny the defendant and
10 the government continuity of counsel and adequate time to prepare, taking into account the exercise
11 of due diligence. Under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), the parties
12 therefore stipulate and agree that the time from December 11, 2009 through February 5, 2010
13 should be excluded from the time in which the trial shall commence.

14
15 Dated: 12/2/09

_____/s/_____
DEBORAH R. DOUGLAS
Assistant United States Attorney

16
17 Dated: 12/2/09

_____/s/_____
ROGER W. PATTON, Esq.
Attorney for Defendant

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby finds that the ends of justice served by granting of the requested continuance outweigh the best interests of the public and the defendant in a speedy trial, and that the failure to grant the requested continuance would deny the defendant and the government continuity of counsel and the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

Based on these findings, IT IS HEREBY ORDERED THAT this matter, currently scheduled for December 11, 2009 at 9 a.m., shall be continued to February 5, 2010 at 9 a.m. for status before the Honorable D. Lowell Jensen, United States District Judge, in the federal building in Oakland, California, and that the time from December 11, 2009 through February 5, 2010 shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: December 7, 2009



HONORABLE D. LOWELL JENSEN
United States District Court Judge